

AGENDA: April 13, 2004

4.6

CATEGORY: Consent

DEPT.: Public Works

TITLE: Summary Vacation of Public Service
Easement at 1000 North Rengstorff
Avenue

RECOMMENDATION

Adopt A RESOLUTION ORDERING THE SUMMARY VACATION OF A 10' PUBLIC SERVICE EASEMENT LOCATED AT 1000 NORTH RENGSTORFF AVENUE (COSTCO, INC.), to be read in title only, further reading waived.

FISCAL IMPACT—None.

BACKGROUND AND ANALYSIS

The property owner of 1000 North Rengstorff Avenue has requested a summary vacation of a 10' wide public service easement behind the street right-of-way on Charleston Road between Independence Avenue and North Rengstorff Avenue (see Attachment 1, Exhibits A and B). The abandonment will facilitate the expansion of Costco, previously approved by the City Council.

There are no utilities within the portion of the easement to be abandoned, and the easement has not been used for its intended purpose since its dedication in 1992.

Division 9, Part 3, Chapter 4, Sections 8333 and 8334.5 of the California Streets and Highways Code provide that the legislative body may summarily vacate (no public hearing required) public easements which have not been used for the purpose for which they were intended, dedicated or acquired for five consecutive years immediately preceding the proposed vacation, provided there are no in-place public utility facilities that are in use and would be affected by the vacation. As this is the case, the summary vacation is in order.

PG&E, SBC, Comcast and other City departments were informed of the proposed vacation.

The vacation has no adverse effect on the environment and is exempt from the provisions of the California Environmental Quality Act (classified exemption consisting of minor alterations in land use limitations). Staff recommends that the vacation as delineated in the attached exhibits be summarily vacated.

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PUBLIC NOTICING

Other than through the posting of an agenda and notifying the utility companies and the property owner, no additional noticing was required under summary vacation pursuant to the California Streets and Highways Code, Sections 8330 through 8336.

Prepared by:

Approved by:

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Cathy R. Lazarus
Public Works Director

Kevin C. Duggan
City Manager

YD/8/CAM
998-04-13-04M-1^

Attachment: 1. Summary Vacation Resolution

cc: APWD—Ko, LDE, File: Development and Abandonment

**CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2004**

**A RESOLUTION ORDERING THE SUMMARY VACATION OF
A 10' PUBLIC SERVICE EASEMENT LOCATED AT
1000 NORTH RENGSTORFF AVENUE (COSTCO, INC.)**

WHEREAS, the City of Mountain View has elected to proceed under the provisions of the Public Streets, Highways and Service Easements Vacation Law, commencing with Section 8300 and, in particular, to Chapter 4, Sections 8333 and 8334.5 regarding summary vacation of the Streets and Highways Code of the State of California, to summarily vacate certain 10' public service easement situated within the corporate limits of said City, and more particularly described and shown on Exhibits A and B attached hereto; and

WHEREAS, pursuant to said provisions, the City Council may summarily vacate (no public hearing required) said easement described above; and

WHEREAS, the City Council has found, from all the evidence submitted, that the easement described above is unnecessary for present or prospective public use;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View as follows:

1. The City Council has reviewed and considered the staff report dated April 13, 2004 and submitted by the Public Works Department and incorporates by reference said report into this resolution.
2. The City Council finds and determines that there are no in-place public utility facilities in use which would be affected by the vacation.
3. The City Council hereby declares its intention that no easement for public service purposes or for any other purposes is to be reserved or excepted for such proposed vacation.
4. That from and after the date this resolution is recorded, that certain 10' public service easement described in Exhibits A and B no longer constitutes a public service easement, and said easement is hereby ordered vacated.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a certified copy of this order, attested by her under seal, to be recorded in the Office of the Recorder of the County of Santa Clara.

YD/8/RESO
998-04-13-04R-4^